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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 0917
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C O N F I D E N T I A L SECTION 01 OF 03 RANGOON 000127

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DEPT PASS TO DEPARTMENT OF LABOR
PACOM FOR FPA
US MISSION TO GENEVA FOR LABOR ATTACHE

E.O. 12958: DECL: 02/19/2018
TAGS: ELAB PGOV PREL PHUM BM
SUBJECT: BURMA: MORE ACTION NEEDED ON FORCED LABOR ISSUES

REF: A. RANGOON 125 AND PREVIOUS

- 1B. 07 RANGOON 1143
- 1C. 07 RANGOON 1042
- 1D. RANGOON 113

Classified By: Economic Officer Samantha A. Carl-Yoder for reasons 1.4
(b and d)

11. (C) Summary. According to ILO Liaison Officer Steve Marshall, the Burmese Government must take additional steps to address forced labor issues, particularly child soldier cases. The Ministry of Defense does not adequately punish recruiters of child soldiers, and the government places an unfair burden of proof on the ILO and the children to prove such cases. The GOB has improved coordination with the ILO during the past month, permitting the ILO to train judges on forced labor; agreeing to allow the UN Task Force on Child Soldiers to train up to 600 recruiters on best recruitment practices; and inviting the ILO to assist with the application of the National Action Plan on Trafficking in Persons, which includes provisions on forced labor and child soldiers. The March ILO Governing Body meeting will provide an opportunity for the international community to question the Burmese Government's commitment to addressing forced labor issues and inquire about concrete steps it has taken to prevent forced labor and punish perpetrators. End Summary.

More Child Soldier Cases

12. (C) Although the Burmese Government has taken some positive steps to address forced labor complaints, it still has work to do, ILO Liaison Officer Steve Marshall told us on February 15. The number of forced labor cases, particularly child soldier cases, has increased in recent months due to high desertion rates (Ref B). Marshall noted that while the GOB resolved many of the child soldier cases quickly, he did not feel the military punished the recruiting officers

adequately. Despite pledges to court martial recruiting officers who enlisted eleven-year old children (Ref C), the military has yet to do so. Marshall will submit to the ILO Governing Body a registry of Burmese forced labor cases, where he will note two cases in which he believes the government inadequately punished the recruiters. The Ministry of Defense has the right to determine penalties for military officers, he acknowledged. However, when the officers enlist children who are obviously under the age of 16 or work with brokers to take on child soldiers, the GOB must punish them accordingly and not just place a note of reprimand in their files, he argued.

¶13. (C) Marshall stated that with recent child soldier complaints, the GOB has worked with the ILO to identify the children and return them to their families. However, the GOB places the burden of proof on the children and the ILO rather than on the recruiters, he noted. In cases where the biographical data on the child differed slightly (name misspellings, date of birth information off by a day), the Burmese Government stalls, demanding updated data before it will pull the children out of military training. The ILO will seek to address these issues during 2008, Marshall explained.

¶14. (C) Currently, the ILO has eight cases pending with the Working Group: three forced labor cases and five child soldier cases. Marshall has an additional five forced labor cases to investigate and assess before forwarding them to the GOB for action (see below). Additionally, Marshall is negotiating with the GOB on the outcomes of three technically closed forced labor cases. Marshall believes that the GOB has shirked its duties by not punishing the forced labor

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perpetrators and will make this argument to the ILO Governing Body next month.

Positive Developments

¶15. (C) Marshall noted that in the past three weeks, the GOB has taken steps to improve cooperation with the ILO. Marshall told us that after he found out that the Burmese Government would host a three-week refresher class for 200 judges in Rangoon February 18-March 7, he contacted the Working Group to offer ILO training on forced labor. Much to his surprise, the GOB agreed on February 14. Marshall will provide training on the legal aspects and application of ILO Convention 29 on Forced Labor, as well as brief on the Burmese Law on Child Soldiers and Forced Labor. Although the presentation will be in English, the ILO office prepared handouts in Burmese to give to the judges. Marshall considered the training for judges as a positive step.

¶16. (C) The Burmese Government also agreed recently to work with the UN Task Force on Child Soldiers, acknowledging the need for training of recruitment officers, as well as train the trainers (TOT) courses so the military can train themselves. In early February, the UN Task Force approached the government about training recruiters on the proper recruitment procedures to ensure they do not enlist children. The GOB agreed and is currently working with the UN Task Force on the training program. While the GOB has yet to set the training date, it has designated approximately 600 recruiters for training and has agreed to allow the UN Task Force to produce a handbook on recruitment and child soldiers for each participant. Marshall believes the training will be held by mid-2008.

¶17. (C) The Burmese Government also recently invited the ILO to participate in a Ministerial Working Group on human trafficking, Marshall told us. The government recently signed a new National Action Plan on Trafficking in Persons (Ref D), which includes provisions for forced labor and child soldiers. Police Colonel Sit Aye, the head of the GOB Task

Force on Trafficking, requested ILO assistance in applying the new provisions on forced labor. ILO Deputy Liaison Officer Piyamal Pichaiwongse, a human rights lawyer specializing in children's issues, will attend the March 1 meeting in Nay Pyi Taw.

Trip to Magwe

¶8. (C) The ILO is willing to extend the existing ILO-GOB Forced Labor Mechanism Agreement if the GOB meets certain conditions, including allowing ILO officers to travel freely throughout the country and without a GOB liaison officer (Ref A). Marshall has raised this issue with the GOB on several occasions, noting that the current agreement guarantees the ILO free access (except to military-controlled zones). During his trip to Magwe Division in late January, Marshall informed the GOB of his trip only two days beforehand and refused to travel with a liaison officer. After some negotiation, Marshall and the Deputy Labor Minister agreed that the liaison officer would not attend any of Marshall's meetings, but instead would be there to introduce Marshall to police and township officials.

¶9. (C) During his trip, Marshall investigated three forced labor complaints and received two additional ones. Three cases dealt with government confiscation of land after the farmers refused to follow the GOB's orders to farm a specific product. In the other cases, local officials required farmers to sell their crops to the Burmese Government rather than selling them on their own. After talking with the

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farmers and local officials, Marshall found that because the government instructed the farmers on either what to plant or how to manage their crops, he could make the case that the GOB's actions constituted forced labor. He will submit the cases to the Burmese Government Working Group on Labor in late February.

¶10. (C) Throughout the trip, Special Branch police followed Marshall and his ILO interpreter, he told us. While the police talked to the complainants after Marshall departed, the ILO received no reports of police harassment. Instead, Marshall stated, the police wanted to ensure that he only talked about forced labor and not political issues.

Comment

¶11. (C) The ILO Governing Body meeting in March will provide many opportunities for the international community to question about GOB efforts to address forced labor since the November meeting. While we welcome the recent attempts to coordinate with the ILO on forced labor and child soldier issues, we question the GOB's commitment to resolving forced labor. Failure to adequately punish military officers who either perpetrate forced labor or enlist children raises doubts about GOB commitments under the ILO-GOB Forced Labor Mechanism Agreement seriously. To show real commitment, the government must address the root causes of forced labor, take concrete steps to reduce child soldier recruitment, and punish military perpetrators of forced labor. The upcoming Governing Body meeting offers another opportunity to specify the action that the GOB needs to take to halt forced labor.

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